

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 591

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING SPECIAL PERMIT
REQUIREMENTS FOR THE MOVEMENT OF OVERSIZE MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.17 NMSA 1978 (being Laws 1990,
Chapter 120, Section 18, as amended) is amended to read:

"66-1-4.17. DEFINITIONS. --As used in the Motor Vehicle
Code:

A. "tank vehicle" means a motor vehicle that is
designed to transport any liquid or gaseous material within a
tank that is either permanently or temporarily attached to the
vehicle or the chassis and that has either a gross vehicle
weight rating of twenty-six thousand one or more pounds or is
used in the transportation of hazardous materials requiring
placarding of the vehicle under applicable law;

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "taxicab" means a motor vehicle used for hire in
2 the transportation of persons, having a normal seating capacity
3 of not more than seven persons;

4 C. "through highway" means every highway or portion
5 thereof at the entrance to which vehicular traffic from
6 intersecting highways is required by law to stop before
7 entering or crossing it when stop signs are erected as provided
8 in the Motor Vehicle Code;

9 D. "title service company" means a person, other
10 than the department, an agent of the department, a licensed
11 dealer or the motor transportation division of the department
12 of public safety, who for consideration issues temporary
13 registration plates or prepares and submits to the department
14 on behalf of others applications for registration of or title
15 to motor vehicles;

16 E. "traffic" means pedestrians, ridden or herded
17 animals, vehicles and other conveyances either singly or
18 together using any highway for purposes of travel;

19 F. "traffic-control signal" means any device,
20 whether manually, electrically or mechanically operated, by
21 which traffic is alternately directed to stop and to proceed;

22 G. "traffic safety bureau" means the traffic safety
23 bureau of the state highway and transportation department;

24 H. "trailer" means any vehicle without motive
25 power, designed for carrying persons or property and for being

underscored material = new
[bracketed material] = delete

1 drawn by a motor vehicle, and so constructed that no
2 significant part of its weight rests upon the towing vehicle;

3 I. "transportation inspector" means an employee of
4 the motor transportation division of the department of public
5 safety who has been certified by the director of the division
6 to enter upon and perform inspections of motor carriers'
7 vehicles in operation;

8 [~~I.~~] J. "transporter of manufactured homes" means a
9 commercial motor vehicle operation engaged in the business of
10 transporting manufactured homes from the manufacturer's
11 location to the first dealer's location. A "transporter of
12 manufactured homes" may or may not be associated with or
13 affiliated with a particular manufacturer or dealer;

14 [~~J.~~] K. "travel trailer" means a trailer with a
15 camping body and includes recreational travel trailers and
16 camping trailers;

17 [~~K.~~] L. "trial court" means the magistrate,
18 municipal or district court that tries the case concerning an
19 alleged violation of a provision of the Motor Vehicle Code;

20 [~~L.~~] M. "truck" means every motor vehicle designed,
21 used or maintained primarily for the transportation of
22 property;

23 [~~M.~~] N. "truck camper" means a camping body
24 designed to be loaded onto, or affixed to, the bed or chassis
25 of a truck. A camping body, when combined with a truck or

underscored material = new
[bracketed material] = delete

1 truck cab and chassis, even though not attached permanently,
2 becomes a part of the motor vehicle, and together they are a
3 recreational unit to be known as a "truck camper"; there are
4 three general types of truck campers:

5 (1) "slide-in camper" means a camping body
6 designed to be loaded onto and unloaded from the bed of a
7 pickup truck;

8 (2) "chassis-mount camper" means a camping
9 body designed to be affixed to a truck cab and chassis; and

10 (3) "pickup cover" or "camper shell" means a
11 camping body designed to provide an all-weather protective
12 enclosure over the bed of a pickup truck and to be affixed
13 thereto; and

14 ~~[N.]~~ 0. "truck tractor" means every motor vehicle
15 designed and used primarily for drawing other vehicles and not
16 so constructed as to carry a load other than a part of the
17 weight of the vehicle and load so drawn. "

18 Section 2. Section 66-7-411 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 482, as amended) is amended to read:

20 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
21 AND REQUIRE REMOVAL OF EXCESS LOADS-- GRADUATED PENALTIES. --

22 A. Any ~~[New Mexico state police officer or~~
23 ~~enforcement employee of]~~ police officer with the motor
24 transportation division or New Mexico state police division of
25 the department of public safety, having reason to believe that

. 144523. 1

underscored material = new
[bracketed material] = delete

1 the weight of a vehicle and load is unlawful, may require the
2 driver to stop and submit to weighing of the vehicle and load
3 by means of either portable or stationary scales and may
4 require the vehicle to be driven to the nearest scales approved
5 by the department of public safety if the scales are within
6 five miles.

7 B. When [~~the officer or employee~~] a police officer
8 with the motor transportation division or New Mexico state
9 police division of the department of the public safety or a
10 transportation inspector, upon weighing a vehicle or
11 combination, determines that the gross vehicle weight or
12 combination gross vehicle weight exceeds the maximum authorized
13 by Sections 66-7-409 and 66-7-410 NMSA 1978, the officer or
14 [~~employee~~] inspector shall require the driver or owner of the
15 vehicle or combination to unload that portion of the load
16 necessary to decrease the gross vehicle weight or combination
17 gross vehicle weight to the authorized maximum.

18 C. Any driver of a vehicle who fails or refuses to
19 stop and submit the vehicle and load to weighing or who fails
20 or refuses, when directed by a duly authorized [~~officer or~~
21 ~~employee~~] police officer with the motor transportation division
22 or New Mexico state police division of the department of public
23 safety or a transportation inspector, upon a weighing of the
24 vehicle, to unload the vehicle and otherwise comply with the
25 provisions of this section is guilty of a misdemeanor.

. 144523. 1

1 D. Any shipper or any other person loading the
2 vehicle who intentionally overloads a vehicle which he has
3 reason to believe will travel in that condition upon a public
4 highway is guilty of a misdemeanor and shall be fined in
5 accordance with Subsection E of this section.

6 E. In all cases of violations of weight limitations,
7 the penalties shall be assessed and imposed in accordance with
8 the following schedule:

9 WEIGHT OF EXCESS

10 LOAD IN POUNDS

AMOUNT OF FINE

11 1 to 3,000	twenty-five dollars (\$25.00)
12 3,001 to 4,000	forty dollars (\$40.00)
13 4,001 to 5,000	seventy-five dollars (\$75.00)
14 5,001 to 6,000	one hundred twenty-five dollars (\$125)
15 6,001 to 7,000	two hundred dollars (\$200)
16 7,001 to 8,000	two hundred seventy-five dollars (\$275)
17 8,001 to 9,000	three hundred fifty dollars (\$350)
18 9,001 to 10,000	four hundred twenty-five dollars (\$425)
19 over 10,000	five hundred dollars (\$500). "

20 Section 3. Section 66-7-412 NMSA 1978 (being Laws 1959,
21 Chapter 247, Section 1, as amended) is amended to read:

22 "66-7-412. SPECIAL FARM PERMITS. -- The motor
23 transportation division of the department of public safety
24 shall have the authority to issue special permits at all ports
25 of entry where registration stations or places where inspection

. 144523. 1

underscored material = new
[bracketed material] = delete

1 and registration services are maintained by the motor
2 transportation division to all implements of husbandry using
3 the highways, including farm tractors, and to the
4 instrumentalities or vehicles [~~which~~] that may be carrying the
5 [~~instrumentalities~~] implements of husbandry, including farm
6 tractors, when the securing of these permits is required by
7 law. "

8 Section 4. Section 66-7-413 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 484, as amended) is amended to read:

10 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
11 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES. --

12 A. The department of public safety and local highway
13 authorities may, in their discretion, upon application in
14 writing and good cause being shown, issue a special permit in
15 writing authorizing the applicant to operate or move a vehicle
16 or load of a size or weight exceeding the ~~maximum~~ specified in
17 Sections 66-7-401 through 66-7-416 NMSA 1978 on any highway
18 under the jurisdiction of the state [~~highway~~] transportation
19 ~~commission~~ or local authorities. Except for the ~~movement~~ of
20 ~~manufactured homes~~, a permit may be granted, in cases of
21 ~~emergency~~, for the transportation of loads on a certain unit or
22 ~~combination~~ of equipment for a specified period of time not to
23 exceed one year, and the permit shall contain the route to be
24 traversed, the type of load to be transported and any other
25 restrictions or conditions deemed necessary by the body

. 144523. 1

underscored material = new
[bracketed material] = delete

1 granting the permit. In every other case, the permit shall be
2 issued for a single trip and may designate the route to be
3 traversed and contain any other restrictions or conditions
4 deemed necessary by the body granting the permit. Every permit
5 shall be carried in the vehicle to which it refers and shall be
6 opened for inspection to any peace officer. It is a
7 misdemeanor for any person to violate any of the conditions or
8 terms of the special permit.

9 B. The department of public safety shall charge and
10 collect, when the movement consists of any load of a width of
11 twenty feet or greater for a distance of five miles or more,
12 the sum of three hundred dollars (\$300) a day or fraction
13 thereof to defray the cost of state or local police escort.
14 The permit issued and the fee charged shall be based upon the
15 entire movement at one time requiring police escort and not
16 upon the number of vehicles involved.

17 C. The department of public safety shall promulgate
18 regulations in accordance with the State Rules Act pertaining
19 to safety practices, liability insurance and equipment for
20 escort vehicles provided by the motor carrier himself and for
21 escort vehicles provided by a private business in this state.

22 (1) If a motor carrier provides his own escort
23 vehicles and personnel, the department of public safety shall
24 not charge an escort fee but shall provide the motor carrier
25 escort personnel with a copy of applicable regulations and

underscored material = new
[bracketed material] = delete

1 shall inspect the escort vehicles for the safety equipment
2 required by the regulations. If the escort vehicles and
3 personnel meet the requirements set forth in the regulations
4 and if the motor carrier holds a valid certificate of public
5 convenience and necessity or permit, as applicable, issued
6 pursuant to Chapter 65, Article 2 NMSA 1978, the department of
7 public safety shall issue the special permit.

8 (2) If the escort service is a private business,
9 the business shall have applied to the [~~state corporation~~
10 public regulation commission for and been issued a permit or
11 certificate to operate as a contract or common motor carrier
12 pursuant to Chapter 65, Article 2 NMSA 1978. The [~~state~~
13 ~~corporation~~] public regulation commission shall supply copies
14 of applicable regulations to the business by mail and shall
15 supply additional copies upon request. If the escort vehicles
16 and personnel meet the requirements set forth in the
17 regulations and if the escort service holds a certificate, the
18 special permit shall be issued and the department of public
19 safety shall not charge an escort fee.

20 (3) The movement of vehicles upon the highways
21 of this state requiring a special permit and required to use an
22 escort of the type noted in Paragraphs (1) and (2) of this
23 subsection is subject to department of public safety authority
24 and inspection at all times.

25 (4) The state highway and transportation

underscored material = new
[bracketed material] = delete

1 department shall conduct engineering investigations and
2 engineering inspections to determine which four-lane highways
3 are safe for the operation or movement of manufactured homes
4 without an escort. After making that determination, the state
5 highway and transportation department shall hold public
6 hearings in the area of the state affected by the
7 determination, after which it may adopt regulations designating
8 those four-lane highways as being safe for the operation or
9 movement of manufactured homes without an escort. If any
10 portion of such a four-lane highway lies within the boundaries
11 of a municipality, the state highway and transportation
12 department, after obtaining the approval of the municipal
13 governing body, shall include such portions in its regulations.

14 D. Except for the movement of manufactured homes,
15 special permits may be issued for a single vehicle or
16 combination of vehicles by the department of public safety for
17 a period not to exceed one year for a fee of sixty dollars
18 (\$60.00). The permits may allow excessive height, length and
19 width for a vehicle or combination of vehicles or load thereon
20 and may include a provision for excessive weight if the
21 operation is to be within the vicinity of a municipality.

22 E. Special permits for a single trip for a vehicle or
23 combination of vehicles or load thereon of excessive weight,
24 width, length and height may be issued by the department of
25 public safety for a single vehicle for a fee of fifteen dollars

. 144523. 1

underscored material = new
[bracketed material] = delete

1 (\$15.00).

2 F. If the vehicle for which a permit is issued under
3 this section is a manufactured home, the department of public
4 safety or local highway authority issuing the permit shall
5 furnish the following information to the property tax division
6 of the taxation and revenue department, which shall then
7 forward the information:

8 (1) to the county assessor of any county from
9 which a manufactured home is being moved, the date the permit
10 was issued, the location being moved from, the location being
11 moved to if within the same county, the name of the owner of
12 the manufactured home and the identification and registration
13 numbers of the manufactured home;

14 (2) to the county assessor of any county in this
15 state to which a manufactured home is being moved, the date the
16 permit was issued, the location being moved from, the location
17 being moved to, the name of the owner of the manufactured home
18 and the registration and identification numbers of the
19 manufactured home; and

20 (3) to the owner of a manufactured home having a
21 destination in this state, notification that the information
22 required in Paragraphs (1) and (2) of this subsection is being
23 given to the respective county assessors and that manufactured
24 homes are subject to property taxation.

25 G. Except as provided in Subsection H of this

. 144523. 1

underscored material = new
[bracketed material] = delete

1 section, if the movement of a manufactured home originates in
2 this state, no permit shall be issued under Subsection F of
3 this section until the owner of the manufactured home or his
4 authorized agent obtains and presents to the department of
5 public safety proof that a certificate has been issued by the
6 county assessor or treasurer of the county in which the
7 manufactured home movement originates showing that either:

8 (1) all property taxes due or to become due on
9 the manufactured home for the current tax year or any past tax
10 years have been paid, except for manufactured homes located on
11 an Indian reservation; or

12 (2) no liability for property taxes on the
13 manufactured home exists for the current tax year or any past
14 tax years, except for manufactured homes located on an Indian
15 reservation.

16 H. The movement of a manufactured home from the lot
17 or business location of a manufactured home dealer to its
18 destination designated by an owner-purchaser is not subject to
19 the requirements of Subsection G of this section if the
20 manufactured home movement originates from the lot or business
21 location of the dealer and the manufactured home was part of
22 his inventory prior to the sale to the owner-purchaser;
23 however, the movement of a manufactured home by a dealer or his
24 authorized agent as a result of a sale or trade-in from a
25 nondealer-owner is subject to the requirements of Subsection G

. 144523. 1

underscored material = new
[bracketed material] = delete

1 of this section whether the destination is the business
2 location of a dealer or some other destination.

3 I. No permit shall be issued under this section for
4 movement of a manufactured home whose width exceeds eighteen
5 feet with no more than a six-inch roof overhang on the left
6 side or twelve inches on the right side in addition to the
7 eighteen-foot width of the manufactured home. Manufactured
8 homes exceeding the limitations of this section shall only be
9 moved on dollies placed on the front and the rear of the
10 structure.

11 J. The secretary of public safety may by regulation
12 provide for movers of manufactured homes to self-issue permits
13 for certain sizes of manufactured homes over specific routes;
14 however, in no case may the cost of each permit be less than
15 fifteen dollars (\$15.00).

16 K. The secretary of public safety may provide by
17 regulation for dealers of implements of husbandry to self-issue
18 permits for the movement of certain sizes of implements of
19 husbandry from the lot or business location of the dealer over
20 specific routes with specific escort requirements, if
21 necessary, to a destination designated by an owner-purchaser or
22 for purposes of a working demonstration on the property of a
23 proposed owner-purchaser. The department of public safety
24 shall charge a fee for each self-issued permit not to exceed
25 fifteen dollars (\$15.00).

. 144523. 1

underscored material = new
[bracketed material] = delete

1 L. Any private motor carrier requesting an oversize
2 or overweight permit shall provide proof of insurance in at
3 least the following amounts:

4 (1) bodily injury liability, providing:

5 (a) fifty thousand dollars (\$50,000) for
6 each person; and

7 (b) one hundred thousand dollars (\$100,000)
8 for each accident; and

9 (2) property damage liability, providing twenty-
10 five thousand dollars (\$25,000) for each accident.

11 M Any common motor carrier requesting an oversize
12 permit shall produce a copy of a form "e" or other acceptable
13 evidence that the common motor carrier maintains the insurance
14 minimums prescribed by the [~~state corporation~~] public
15 regulation commission.

16 N. The department of public safety may provide by
17 regulation the time periods during which a vehicle or load of a
18 size or weight exceeding the maximum specified in Sections
19 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved by
20 a motor carrier on a highway under the jurisdiction of the
21 state transportation commission or local authorities."

22 Section 5. Section 66-7-413.2 NMSA 1978 (being Laws 1989,
23 Chapter 291, Section 1) is amended to read:

24 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
25 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS. --

. 144523. 1

underscored material = new
[bracketed material] = delete

1 A. All vehicles with a gross vehicle weight in excess
2 of one hundred seventy thousand pounds shall require a special
3 permit as provided for in Section 66-7-413 NMSA 1978 and no
4 such permit shall be issued unless:

5 (1) an engineering investigation and review have
6 been conducted to:

7 (a) establish whether the move could be made
8 without visible or documented damages to the portion of road or
9 bridges upon which the move is to be made;

10 (b) establish whether the move could be made
11 without visible or documented damages to any private facilities
12 along the road upon which the move is to be made; and

13 (c) estimate the cost for any necessary
14 modifications the move may cause; and

15 (2) when required, the applicant [~~shall submit~~]
16 has submitted to the motor transportation division of the
17 department of public safety and the local highway authorities
18 all pertinent information requested of the applicant by the
19 motor transportation division of the department of public
20 safety. If the submitted data is not acceptable to the state
21 highway and transportation department, the applicant will be
22 advised by the motor transportation division of the department
23 of public safety that engineering investigations will be
24 conducted by the state highway and transportation department
25 and the cost incurred by the state highway and transportation

. 144523. 1

underscored material = new
[bracketed material] = delete

1 department will be paid by the applicant as an added cost to
2 his permit fee.

3 B. The motor transportation division of the
4 department of public safety shall adopt the necessary rules and
5 regulations for the development of data for an investigation to
6 determine whether to issue any special permit pursuant to
7 Section 66-7-413 NMSA 1978.

8 C. The applicant or the applicant's employer shall
9 pay the costs for any [~~modification~~] modifications to the road,
10 bridges or private facilities along the road that the motor
11 transportation division of the department of public safety has
12 determined are necessary for the issuance of the special permit
13 and the costs for any damages to the road or bridges that are
14 the result of the move and the fault of the mover and not the
15 motor transportation division of the department of public
16 safety.

17 D. Any person who violates the provisions of
18 Subsection A of this section shall be guilty of a misdemeanor
19 and punished by a fine of not more than one thousand dollars
20 (\$1,000) or imprisonment for a definite term not to exceed six
21 months, or both.

22 E. Nothing contained in this section shall limit in
23 any manner the authority of the state, a county, a municipality
24 or a political subdivision thereof to collect damages for any
25 unlawful use of highways as provided by law. "

. 144523. 1